

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11935DPW

SHEILA J. PORTER,

Plaintiff,

v.

ANDREA CABRAL, SUFFOLK
COUNTY SHERIFF'S DEPARTMENT,
SUFFOLK COUNTY, and
CORRECTIONAL MEDICAL
SERVICES, INC.,

Defendants.

PARTIES' JOINT STATUS CONFERENCE REPORT

Discovery Proceedings:

Defendant CMS and the plaintiff have completed all discovery with respect to each other.

Defendants Andrea Cabral, Suffolk County Sheriff's Department and Suffolk County and the plaintiff have outstanding discovery disputes that are the subject of Motions to Compel. It is expected that the Court will hear these motions at the Status Conference on November 17, 2005.

Settlement Discussions:

There have been no significant discussions since the case was filed.

Pending or Contemplated Motions:

Defendant CMS currently has a Motion For Summary Judgment as to all remaining counts against CMS pending with the court. The plaintiff's opposition is due November 14, 2005. Following receipt of the plaintiff's opposition, the defendant may opt, with leave of court, to file a reply to the plaintiff's opposition.

Defendants Andrea Cabral, Suffolk County Sheriff's Department and Suffolk County have filed a Motion for Summary Judgment as to all remaining counts against them which is currently pending before the Court. The plaintiff's opposition is due November 14, 2005. Following receipt of the plaintiff's opposition, the defendants may opt, with leave of court, to file a reply to the plaintiff's opposition.

Hearing on the defendants' respective Motions for Summary Judgment is scheduled for December 14, 2005.

CMS has no other motions pending or contemplated at this time.

Defendants Andrea Cabral, Suffolk County Sheriff's Department and Suffolk County anticipate filing a separate action against the Department of Justice pursuant to 5 U.S.C. §§ 702 and 706(2)(A) seeking review of the decisions of the United States Attorney for the District of Massachusetts not to provide discovery to the defendants pursuant to validly issued requests. Defendants have not filed this action to date because they are awaiting a final response from the United States Attorney's Office.

The Plaintiff has filed an action under the Administrative Procedure Act seeking information from the Office of the United States Attorney and the Federal Bureau of Investigation. The Plaintiff anticipates filing a Petition for Disclosure of Grand Jury materials this week.

Proposed Dates for Pre-Trial Conference and Trial

The Parties propose that the court schedule a pre-trial conference and trial as it deems appropriate.

The Defendants,
ANDREA CABRAL, SUFFOLK COUNTY
SHERIFF'S DEPARTMENT AND
SUFFOLK COUNTY,
By their attorney,

/s/ Ellen M. Caulo
Ellen M. Caulo, BBO #545250
Suffolk County Sheriff's Department
200 Nashua Street
Boston, MA 02104
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The Defendant,
CORRECTIONAL MEDICAL
SERVICES, INC.,
By its attorneys,

/s/ Alexandra B. Harvey
Alexandra B. Harvey, BBO # 548944
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230 Congress Street
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The Plaintiff,
SHEILA J. PORTER,
By her attorney,

/s/ David S. Schumacher
David S. Schumacher
Goodwin Procter LLP
Exchange Place
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Date: November 14, 2005

